IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 7790 of 2007(B)

PETITIONER:

MATHEW, AGED 65, S/O.CHACKU,
EDASSERY HOUSE, KIDANGOOR KARA, THURAVOOR VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.JOHNY KURIAKOSE
SRI.K.P.JOHNSON

RESPONDENTS:
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1. STATE OF KERALA, REP.BY
DISTRICT COLLECTOR, ERNAKULAM.

2. SPECIAL TAHSILDAR, LAND ACQUISITION,
IDAMALAYAR IRRIGATION PROJECT, ANGAMALY,
ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE UNDER SECTION 9(3) OF LAND ACQUISITION ACT ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT

EXT.P2 TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER U/S.28A OF THE ACT

EXT.P3 TRUE COPY OF THE AWARD NUMBER 5/2006 DATED 15.3.2006 PASSED BY RESPONDENT NO.2

EXT.P4 TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE RESPONDENTS

//TRUE COPY//

K. PADMANABHAN NAIR ,J.

W.P.(C) No.7790 of 2007 B

Dated, this the 11th day of October, 2007

JUDGMENT

30 cents of the land belonging to the petitioner was acquired for a public purpose. The petitioner had received the award amount. No reference under Section 18 of the Land Acquisition Act for enhancement of the compensation was made. Subsequently the petitioner has filed a petition under Section 28A of the Land Acquisition Act claiming re-determination of the compensation on the ground that in respect of some other properties acquired by the same notification there was reference and the Land Acquisition Court has awarded enhancement. The Land Acquisition Officer had also passed an award re-determining the compensation. The grievance of the petitioner is that the Land Acquisition Officer did not award any interest.

2. Government has filed a counter affidavit in which it was stated that enhanced land value as well as solatium were paid to the petitioner. But the counter is silent as to whether any interest was awarded on the re-determined compensation under Section 28A of the Act. According to the petitioner he has filed a petition before District Collector, Ernakulam on 2.9.2006 claiming interest on the enhanced land value and solatium. In case the Land Acquisition Officer had not awarded interest it is only just and proper that he shall pass a revised award awarding interest under Section 34 of the Land Acquisition Act on the

enhanced compensation which includes solatium also.

In the result, Writ Petition is disposed of in the following manner. There will be a direction to the Land Acquisition Officer to consider the claim of the petitioner for interest under Section 34 of the Land Acquisition Act on the enhanced land value and solatium in case the same is not awarded while re-determining the compensation under Section 28A of the Act. A decision shall be taken within a period of three months from the date of receipt of a copy of this judgment.

K. PADMANABHAN NAIR,
JUDGE.

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